

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department -Khammam District- Revision Petition filed by Paul Raj Engineering College represented by its Secretary and Correspondent Sri S.Srinivasa Rao S/o Paul Raj R/o Seetharam Nagar Colony, Bhadrachalam, Erstwhile Khammam District aggrieved by the orders of the Additional Agent to Government in CMA No.319/2007, dt.21.06.2008 in respect of land admeasuring Ac.0-30 cents in Sy.No.59/4P of Bhadrachalam (V&M) Erstwhile Khammam District - Rejected - Orders - Issued

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 73

Dated: 07-12-2017

Read the following:-

- 1)Revision Petition filed by Paul Raj Engineering College represented by its Secretary and Correspondent Sri S.Srinivasa RaoS/o Paul Raj R/o Seetharam Nagar Colony, Bhadrachalam, Khammam district, dt 20.9.2008.
- 2) From the Government Pleader for Social Welfare, W.P.No.21430/08/SW/ DSNPB, dated 20.9.2008.
- 3) Govt.Memo.No.9474/LTR/2008, dated 6-3-2009.
- 4) From the Addl.Agent to Govt., Bhadrachalam, Letter RP.No.9474/LTR-2/2008, dated 6.4.2009.
- 5)From the Asst.Registrar, In the High Court of Judicature, A.P. at Hyderabad,W.P.M.P.No.5587/2010 in W.P.No.4317/2010, dt: 24.2.2007.
- 6)Govt.Memo.No.9474/LTR-2/2008, dated 15.4.2010.
- 7)Govt.LetterNo.9474/LTR-2/2008, dt 18.4.2012 and 19.10.2012.
- 8)From the Dy.Registrar, High Court of Judicature of Hyderabad for the State of Telangana and State of A.P. C.C.No.56 of 2016, dated 22.01.2016
- 9) From the Spl.Govt.Pleader for Social Welfare Department Lr.No.CC.NO. 56/2016/BSP/SW/HC/16, dated 23.01.2016
- 10)Govt.LetterNo.9474/LTR-2/2008, dt 08.02.2016, dt.02.03.2016, dt 20.04.2016, dt 09.06.2016 and 22.09.2016.

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ORDER

In the reference 1st read above, Paul Raj Engineering College represented by its Secretary and Correspondent Sri S.Srinivasa Rao S/o Paul Raj R/o Seetharam Nagar Colony, Bhadrachalam, Erstwhile Khammam district aggrieved by the orders of the Additional Agent to Government in CMA No.319/2007, dt.21.06.2008 in respect of land admeasuring Ac.0-30 cents in Sy.No.59/4P of Bhadrachalam (V&M) Khammam District.

2. In the reference 2nd read above, the Government Pleader for Social Welfare, High Court has informed that the Hon'ble High Court disposed off the W.P.No.21430/08 filed by Paul Raj Engineering College with a direction to decide the Revision along with Stay Petition whichever is earlier and meanwhile status quo orders.

3. In the reference 3rd read above, the Project Officer & Addl. Agent to Government, Bhadrachalam was requested to furnish Para Wise Remarks and connected case records and in the reference 4th read above the Addl. Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records.

4 The remarks of the Addl. Agent to Government, Bhadrachalam on the Revision Petition are as under:

- The Revision Petitioner's case is that his father S.Paul Raj acquired the dry land to an extent of Ac.0-30 cts in old Sy.No.59/4P by way of occupation of banjar land in the year 1955 and raised a small thatched house and in possession of land. Later he constructed a building and Gujja Muthalu is nothing to do with the scheduled land. The burden lies on the Revision Petitioner to show that his father occupied the banjar land in 1955, but he has not produced any documentary proof to prove his possession over the schedule land.

- The schedule land is situated in schedule area and burden lies on the Non-Tribal Revision petitioner to show that his possession is not hit by regulation 1/59 amended by 1/70.

(p.t.o.)

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- Both the parties i.e., G.Muthyalu (ST) as 4th respondent, Petitioner and father of the Revision Petitioner as respondents have failed to file documentary proof proving their title. As such Agency Divisional Officer has passed orders directing the MRO to take custody of the said land and to assign it to eligible tribals.
- Sri G.Muthyalu (Tribe) in R.P. filed Photostat copy of title deed and Photostat copy of order in settlement case NO.7227. Basing on the said documents the AAG, Bhadrachalam herein passed orders with a direction to restore the suit land to the 4th respondent (G.Muthyalu) in the Revision petition.
- On perusal of the material available in the file, it may be observed that the burden lies on the Revision Petitioner to show that his father occupied the banjar land in 1955, but he has not produced any documentary proof to prove his possession over the schedule land.
- The 4th respondent in R.P. i.e., G.Muthyalu (ST) filed Photostat copy of title deed and Photostat copy of order in settlement case NO.7227. Basing on the said documents, the 1st respondent herein i.e. AAG, Bhadrachalam passed orders with a direction to restore the suit land to the 4th respondent (G.Muthyalu) in the Revision petition.
- Therefore the order of the Additional Agent to Government is proper and legally correct according to the provisions of APSA LTR 1/59 as amended by 1/70.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Addl. Agent to Govt it is observed that;

- The Revision Petition was filed by Sri S.Srinivasa Rao S/o S.Paul Raj @ Somarouthu Mallikarjun Rao, Secretary and Correspondent, Paul-Raj Engineering College, Bhadrachalam on 22-09-2008 challenging the orders of the Addl. Agent to Govt., Bhadrachalam in CMA No.319/2007 Dt.21.06.2008.
- The claim of the Revision Petitioner is that his father Sri S.Paul Raj acquired Ac 0-30 cents of Banjar in Sy.No. 59/4P of Bhadrachalam in the year 1955 and constructed a thatched house and was residing in the same house and that subsequently constructed a pucca building for his residential purpose and it was also used by the priests of Good Samaritan Evangelical Lutheran Church and as on date of appeal it was under use by Paul Raj Engineering College as Hostel.
- He further represented that one tribe by name Sri Gujja Muthyalu S/o Mallaiah who is no way connected with the said land lodged a complaint before the Agency Divisional Officer, Bhadrachalam claiming to be owner of the said land and the Agency Divisional Officer, Bhadrachalam without verifying the facts of the case issued ejectment orders. Aggrieved by the said orders he preferred appeal before the Addl. Agent to Govt. Bhadrachalam and he also rejected his appeal without verifying facts and allowed the same in favour of tribal respondent viz. Sri Gujja Muthyalu. Against the said orders he preferred the Revision Petition before the Govt.

Facts of the case are as follows:

- Sri S.Paul Raj @ Somarouthu Mallikarjun Rao who is father of the Revision Petitioner was alive as on date of Revision Petition. It is claimed that he acquired the land (banjar) to an extent of Ac 0-30 cents in Sy.No.59/4P of Bhadrachalam in the year 1955 and constructed a Pucca building. The Revision Petitioner has not produced any record such as 1. Title on the land. 2. Permission from local authority to construct the house and date of permission. Simply he claimed that his father acquired the land.
- As per the record produced before this authority the age of Sri S.Paul- Raj as on (meetings of General Body and Governing Body of the Society dt.2-5-2011 his age was recorded as 68 years) 02.05.2011 was 68 years. In such case he would have

been only 12 years old as on 1955. (2011- 1955 =56 years) (i.e. 68-56 = 12 years). Hence it may not be possible to any human being to acquire land at the age of 12 years.

(contd...3)

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- His another claim is that the tribal complainant viz. Gujja Muthyalu is no way connected with the land. But as per the documents produced by the respondent tribe i.e. Gujja Muthyalu, the Govt. has assigned land in Sy.No.59/4P to an extent of Ac 3-90 to him in the year 1975 and granted patta in case No.7227 dt.8.5.1979. Therefore the Revenue authorities issued pattadar pass book bearing No.U93037.
- Further Sri S.Srinivas Rao filed Revision Petition on 22-9-2008. Meanwhile another person by name Sri K.Abraham S/o K.Zachariah impleaded in the case claiming to be the Secretary of the said society on 19.5.2012. In support of his claim he produced a copy of the orders of Lok Adalath, Khammam dt.30.4.2011. In the said orders it is ordered that both Sri S.Srinivasa Rao and Sri K.Abraham filed compromise Petition. But Sri K.Abraham has not submitted any consent letter from Sri S.Srinivas Rao in this regard. Instead Sri S.Srinivasa Rao filed a petition on 22.05.2012 before Govt. requesting to adjourn the case and to accord permission to change his existing advocate and to appoint another advocate. Hence it is clear that there is still dispute between both of them. Further as per the records the election of Smt.K.Radha Manjari W/o Abraham as Chairperson on death of Chairman(on 23.5.2011) Sri Paul Raj father of the Revision Petitioner on 26.5.2011 is also suspicious as the notice dt. 25.5.2011 issued to elect new Chairman is already containing the name Smt.K.Radha Manjari as Chairperson.
- The Revision Petitioner cooked up another story bringing forward one Sri Sonde Satyanarayana and two others to enter in the case as tribes. Sri Sonde Satyanarayana and two others claimed to be tribes have filed implead petition in which they claimed as follows:

"I submit that myself and Respondent Nos. 6 and 7 belongs to Tribal community (Koya) and residing at Bhadrachalam Town and performing as Christian Pastors, myself and other pastors belongs to the Bhadrachalam Division had requested Sri Paul Raj who is also associated with Christian mission at Bhadrachalam and having association with so many social and educational organizations to provide the proper and permanent accommodation for all the pastors who belong to Tribal community and landless poor. On our request the funds provided by Sri Paul Raj, for the welfare of the Tribal pastors, the subject land has been purchased from the 4th respondent long back and constructed temporary residential houses for tribal pastors. Subsequently permanent and pucca buildings were constructed in the subject land and tribal pastors are residing in the said accommodation with their families since long time.

I submit that later for the purpose of record a sale deed has been executed by the vendor 4th respondent Mr.Gujja Muthyalu, dated 24.11.1990, clearly recited that the sale transaction and delivery of possession is in favour of tribal pastors since the date of purchase. The purchasers possession has been recorded in the Gram Panchayat records and also submitted an application to regularize the sale transaction of Sada Bynama executed by the 4th respondent. The house number was allotted by the Gram Panchayat in favour of the respondents 5 to 7 and obtained electricity connections by Good Samaritan Evangelical Lutheran Mission consisting of tribal pastors at Bhadrachalam.

I submit that recently we came to know that some legal cases are initiated at the instance of 3rd parties in respect of the subject land. After having the knowledge of pendency of the above case, myself and other respondent Nos.6 and 7 has approached the Hon'ble Authority and filed a petition to implead us as Respondent Nos. 5,6 & 7 and the same was allowed on 01.10.2016 and gave the opportunity to file the counter affidavit on our behalf".

It is claimed that they have purchased the land from Sri Gujja Muthyalu on 24.11.1990. Hence it is clear that the Revision Petitioner who is non-tribe is not owner

of the land but constructed the building after 1990. Sri Sonde Satyanarayana S/o Brahmaiah has not submitted any documents. Even though their claim is accepted for a moment handing over of land to non-tribe to construct building and to use for commercial purpose(College hostel) is not in accordance with the provisions of Act 1/59 read with Act 1/70. Further his statement is quite different from that of Revision Petitioner in whose support he impleaded. (p.t.o)

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- As far as the claim of Respondent Sri Gujja Muthyalu S/o Mallaiah is concerned he is a tribe and the land in appeal was assigned by Govt. to the tribal respondent. He is having title and produced all documents. The Revision Petitioner has tried to mislead the authorities. He is unable to produce any valid documents regarding the title of the land is Sy.No.59/4P of Bhadrachalam in which he unauthorisedly constructed a building. It is not known as to whether he obtained permission from local authority for construction of the building. Even if obtained permission it might be on the fake documents since he has not submitted any documents before any authority.

6. Government after careful examination of the matter hereby rejects the Revision Petitioner filed by Sri S.Srinivasa Rao S/o.Paul Raj, Engineering College represented by Sri S.Srinivasa Rao S/o Paul Raj R/o Seetharam Nagar Colony, Bhadrachalam, Khammam district and upholds the orders of the Additional Agent to Government in CMA No.319/2007, dt.21.06.2008 in respect of lands admeasuring Ac.0-30 cents in Sy.No.59/4P of Bhadrachalam (V&M) Erstwhile Khammam District.

7. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District is directed to take necessary further action to evict the Revision Petitioner and take action to hand over the possession to the tribal respondent Sri Gujja Muthyalu. The original case records received in the reference 4th read above are returned herewith to the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

Sri S.Srinivasa Rao S/o Paulraj, Secretary & Correspondent, Paulraj,
Engineering College, R/o H.No.17-1-77/1,
S.R.Nagar Colony,R/o Bhadrachalam Town and Mandal,
Erstwhile Khammam District now Bhadradi Kothagudem District.

Sri.Gujja Muthyalu S/o Mallaiah, Alluri Seetha Rama Raju Colony
R/o Bhadrachalam, Erstwhile Khammam District now Bhadradi Kothagudem District.

The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradi Kothagudem District(w.e.)

Sri S.Srinivasa Rao S/o Mallikarjuna Rao,H.No.17-1-77/1,
S.R.Nagar Colony, R/o Bhadrachalam Town and Mandal,
Erstwhile Khammam District now Bhadradi Kothagudem District.

Sri K.Abraham S/o Zachariaiah, R/o H.No.17-1-81/3, S.R.Nagar Colony,
R/o.Bhadrachalam Town & Mandal,Khammam District.

Dr.S.Paul Raj S/o Punnaiah, Seetharam Nagar Colony,
R/o. Bhadrachalam Town and Mandal,Khammam District.

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Sri Kondapathi Srinivas, Advocate, H.No.12-10-590/129/5, Flat No.4,
2nd Floor, Sri Devi Apartment, Warasoogida, Secunderabad

Sri N.Ramu, Advocate, H.No.1-4-945/950, Block No.3, Flat No.431,
Janapriya Abodes,Gandhi Nagar, Hyderabad 500 080.

Copy to :

The Special Govt. Pleader for TW/SW, High Court of Judicature, Hyd.
The Agency Divisional Officer, Bhadrachalam, Now

Bhadradri Kothagudem District for necessary action..
The Tahsildar, Bhadrachalam Mandal, Now Bhadradri Kothagudem District
for necessary action.
P.S to M(TW)/P.S. to Prl.Secretary(TW)
SF/SC

//FORWARDED ::BY:: ORDER//

SECTION OFFICER